

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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:
SHAHAN STEFAN SAHIB, :

Plaintiff, :

– against – :

JJS TRANSPORTATION & DISTRIBUTION :

COMPANY and **HARPREET MAHO,** :

Defendants. :
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ANN M. DONNELLY, United States District Judge:

On June 30, 2021, the plaintiff filed this negligence action in the Supreme Court of the State of New York, Kings County, against the defendants. (ECF No. 1-1.) The defendants removed the action to this court on August 9, 2021, citing diversity jurisdiction pursuant to 28 U.S.C. § 1441. (ECF No. 1.)

Magistrate Judge Roanne L. Mann issued a *sua sponte* report and recommendation on August 11, 2021, in which she recommends that I remand this action to state court because the defendants are citizens of New York, and because under 28 U.S.C. § 1441(b)(2), a defendant who is a resident of the state in which removal is sought is barred from removing the action to federal court. (ECF No. 4.) No party has filed an objection to Judge Mann’s report and recommendation, and the time to do so has passed.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the report and recommendation to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” *VOX*

Amplification Ltd. v. Meussdorffer, 50 F. Supp. 3d 355, 369 (E.D.N.Y. 2014) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

I have reviewed Judge Mann's well-reasoned and comprehensive report and recommendation carefully and find no error. Accordingly, I adopt the report and recommendation in its entirety. The Clerk of Court is respectfully directed to remand the case to the Supreme Court of the State of New York, Kings County.

SO ORDERED.

s/Ann M. Donnelly

ANN M. DONNELLY
United States District Judge

Dated: Brooklyn, New York
August 26, 2021